

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MARCH 10, 2010
OPEN SESSION

MINUTES OF MARCH 10, 2010 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN LAMBERT BOISSIERE, VICE CHAIR JIMMY FIELD, COMMISSIONERS FOSTER CAMPBELL, ERIC SKRMETTA AND CLYDE HOLLOWAY. ALSO PRESENT WAS EVE KAHAO GONZALEZ.

Open Session of March 10, 2010, convening at 9:49 A.M. and adjourning at 5:14 P.M., Natchez Room, 602 N. 5th Street, 1st Floor, Baton Rouge, Louisiana, with the above-named members of the Commission and Secretary Eve Kahao Gonzalez.

Ex. 1 Announcements

Commissioner Skrmetta announced that March 15 – March 21 is NARUC's National Fix-a-Leak Week. The EPA has set up a WaterSense helpline at 1-866-987-7367.

Commissioner Field announced that the ERSC will be meeting in New Orleans on March 18th.

Secretary Gonzalez announced that the Commissioners will have a lunch break during Executive Session.

Commissioner Holloway reminded everyone that the May B&E will be held in Bossier City and the July B&E will be held in Crowley.

Commissioner Skrmetta reminded everyone that the October B&E is going to be in the Mandeville area, with the actual meeting probably taking place in Covington.

Commissioner Skrmetta announced that he will be hosting a seminar/conference in Kenner on March 24th at the Airport Hilton for 3 of the more prominent manufacturers of new nuclear systems to explain new modular nuclear technologies.

Commissioner Skrmetta directed Staff to open a docket on railroads blocking access to utility companies.

Commissioner Skrmetta directed all service providers to notify Commissioners and LPSC Staff by email of all service outages as they occur and notice of completion of repair. Subsequent notice to include estimated number of ratepayers affected and estimated time or repair. All service providers are ordered to contact the Executive Secretary and each Commissioners Executive Assistant for contact emails.

Commissioner Skrmetta directed Staff to open a docket to assess the economic impact of unfunded mandates from federal and state government on ratepayers, specifically quantifying the costs to ratepayer by unfunded government orders versus the charge for the services received from the utility. And as part of this, Staff is directed to develop a standard for an economic impact study on ratepayers for all costs of those increases caused by state or federal order.

Ex. 2 **T-31113 - Louisiana Public Service Commission vs Renae G. Stanford dba Stanford Truck Line (Iota, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on four counts; allegedly occurring on or about December 1, 2008 through December 29, 2008.**

Commissioner Skrmetta offered a motion to accept the ALJ Recommendation, but increase the fine to \$1,000 per violation. This motion died for lack of a second.

Commissioner Holloway offered a substitute motion, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the ALJ Recommendation and accept the admission of guilt and fine the Carrier \$500 per violation for a total fine of \$2,000.

Ex. 3 **T-31163 - Louisiana Public Service Commission vs RNK Trucking, Inc. (Rayne, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by**

operating beyond the scope of the authority granted in the common carrier certificate No. 7039 (corrected) on eight counts; allegedly occurring on or about October 2, 2009 and October 5, 2009.

On motion of Commissioner Field, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the ALJ Recommendation and find the Carrier not guilty.

Ex. 4

T-31226 - Louisiana Public Service Commission vs B & N Contractors, Inc. (Haynesville, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on three counts; allegedly occurring on or about April 15, 2009 through April 16, 2009.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$3,025.00, to be paid within 15 days of the issuance of the Order herein.

Ex. 5

T-31228 - Louisiana Public Service Commission vs TRC Trucking Company, LLC (Jena, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on sixteen counts; allegedly occurring on or about April 15, 2009 through April 22, 2009.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Field, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Boissiere, with Commissioners Field and Campbell concurring and Commissioner Skrmetta objecting, the Commission voted to accept the guilty plea entered by the Carrier and fine the Carrier \$1,000 per violation with \$500 per violation suspended, conditioned on the Carrier not committing any additional violations within 12 months of the date of the Order, plus a \$25 citation fee for a total fine of \$8,025 to be paid in accordance with the agreed upon installment payment plan

Ex. 6

T-31216 - Louisiana Public Service Commission vs Freeman Trucking (Shreveport, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on one count; allegedly occurring on or about April 22, 2009.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation

fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein.

Ex. 7

T-31218 - Louisiana Public Service Commission vs Stateline Vacuum Services, LLC (Haynesville, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on one count; allegedly occurring on or about April 24, 2009.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein.

Ex. 8

T-31219 - Louisiana Public Service Commission vs Southern Specialties Transportation, LLC (Church Point, Louisiana) In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating outside the authority granted in LPSC. No. 7170 & No. 7291 on two counts; allegedly occurring on or about April 22, 2009 through April 23, 2009.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$2,025.00, to be paid within 15 days of the issuance of the Order herein.

Ex. 9

T-31220 - Louisiana Public Service Commission vs Turkey Creek Trucking, Inc. (Haynesville, Louisiana) In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating outside the authority granted in LPSC. No. 7213 on ten counts; allegedly occurring on or about April 01, 2009 through April 24, 2009.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Boissiere, seconded by Commissioner Field, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty to one count and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein. It is also recommended that the Commission dismiss the remaining 9 counts, as per the agreement and Staff's investigation.

- Ex. 10 **T-31225** - Louisiana Public Service Commission vs Genco Transport, LLC (Greenwood, Louisiana) In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating outside the authority granted in LPSC. No. 7363 on one count; allegedly occurring on or about April 14, 2009 through April 15, 2009.
- In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.**
- On motion of Commissioner Boissiere, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.
- On motion of Commissioner Campbell, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein.
- Ex. 11 **T-31229** - Louisiana Public Service Commission vs Berry Bros. General Contractors, Inc. (Berwick, Louisiana) In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating outside the authority granted in LPSC. No. 7367 on one count; allegedly occurring on or about April 30, 2009.
- In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.**
- On motion of Commissioner Holloway, seconded by Commissioner Field, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.
- On motion of Commissioner Field, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein.
- Ex. 12 **T-31234** - Louisiana Public Service Commission vs C & S Service & Supply Company, LLC (Panola, Texas) In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating outside the authority granted in LPSC No. 6978-A on four counts; allegedly occurring on or about April 02, 2009 through April 30, 2009.
- In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.**
- On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.
- On motion of Commissioner Campbell, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$4,025.00, to be paid within 15 days of the issuance of the Order herein.
- Ex. 13 **T-31263** - Louisiana Public Service Commission vs Larry Vititow dba Larry Vititow Trucking (Sulphur Springs, Texas). In re: Alleged violation of Louisiana Revised Statutes Title 45:161

through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on one count; allegedly occurring on or about January 04, 2010.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein.

Ex. 14

R-30579 – Louisiana Public Service Commission, ex parte. In re: Discussion on amending General Order dated March 25, 2003, with regards to nonconsensual towing and recovery rates, including but not limited to the 15% surcharge on equipment rental and labor subcontracted for, as provided for in Attachment “A”, Section E 4. *In addition, the Commission will review and assess the entire General Order and compare the economic studies performed in 1999 and the economic study recently completed and submitted to the Commission on July 10, 2008, by the Towing & Recovery Professionals of Louisiana, Inc., to review all rates, including but not limited to all hourly rates.*

In re: Discussion and possible vote on proposed order.

January’s Ex. 8

On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the proposed General Order.

Ex. 15

U-30864 - Density Utilities of Louisiana, LLC, ex parte. In re: Request for an increase in wastewater rate for entire service area.

In re: Discussion and possible vote to approve Settlement Agreement.

The Commission heard testimony from Staff, Representatives of the Louisiana Department of Environmental Quality, Representatives of the Louisiana Department of Health and Hospitals - Office of Public Health, Customers on the Bayou Tranquille and Oak Lane Apartments systems, and Representatives of the Company before deciding to defer the item and seek reports on all thirty-two systems acquired from WorldWide Environmental Solutions.

On motion of Commissioner Holloway, seconded by Commissioner Campbell, with Commissioners Boissiere and Skrmetta concurring and Commissioner Field objecting, the Commission voted to defer this item until next month.

Ex. 16

U-31087 - Parish Water Company, Inc. (East Baton Rouge Parish), ex parte. In re: Request for an increase in rates and charges sufficient to generate additional net operating income and Request for approval of pass-through of increased costs of purchased water as a line item charge if the cost of purchased water increases subsequent to the resolution of this rate filing.

In re: Discussion and possible vote on Stipulated Agreement.

On motion of Commissioner Field, seconded by Commissioner Skrmetta, with Commissioners Boissiere and Holloway concurring and Commissioner Campbell temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the Joint Stipulation, memorializing Staff’s Recommendation together with Parish’s Schedule of Rates and Charges dated January 20, 2010.

Ex. 17 **U-31075** - Southwest Louisiana Electric Membership Corporation, ex parte. In re: Application for recovery in rates of storm damage costs incurred as a result of Hurricanes Gustav and Ike.

In re: Discussion and possible vote regarding Uncontested Stipulated Settlement.

On motion of Commissioner Holloway, seconded by Commissioner Field, with Commissioners Boissiere and Skrmetta concurring and Commissioner Campbell temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the Joint Stipulation as agreed upon by the parties and filed into the record.

Ex. 18 **U-31196** - Entergy Louisiana, LLC and Entergy Gulf States Louisiana, L.L.C., ex parte. In re: Application of Entergy Louisiana, LLC for Approval to Purchase Power Block Two of the Acadia Energy Center, and Joint Application of Entergy Louisiana, LLC and Entergy Gulf States Louisiana, L.L.C. for Approval to Participate in Certain Related Contracts for the Purchase of Capacity and Electric Power and for Cost Recovery.

In re: Discussion and possible vote regarding approval of Uncontested Request for Interim Tolling Agreement.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, with Commissioners Boissiere and Field concurring and Commissioner Campbell temporarily absent, the Commission voted to accept the Staff Recommendation and approve ELL and EGSL's uncontested request concerning the ITA subject to the conditions set forth in Staff's testimony filed February 23, 2010.

Ex. 19 **U-31237** - Entergy Gulf States Louisiana, L.L.C. and Entergy Louisiana, LLC, ex parte. In re: Joint Application for approval of an increase in funding for decommissioning for River Bend and Waterford 3 Nuclear Facilities.

In re: Discussion and possible vote to hire outside consultant.

On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Commissioners Field and Holloway concurring and Commissioner Campbell temporarily absent, the Commission voted to retain the firms of Henderson Ridge and Exeter Associates for a combined bid of \$39,500 in fees and \$3,900 in expenses for a total not to exceed \$43,400 to assist Staff in this matter.

Ex. 20 **U-30192 Phase III** - Entergy Louisiana, LLC, ex parte. In re: Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3 Electric Generating Facility and for Authority to Commence Construction and for Certain Cost Protection and Cost Recovery.

In re: Discussion and Possible Vote on Hiring Outside Counsel.

January's Ex. 11

On motion of Commissioner Field, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Staff Recommendation and retain the firm of Stone Pigman for a budget of \$345,000 in fees and \$23,000 in expenses for a total not to exceed \$368,000 to assist Staff in this matter.

Ex. 21 **U-30874** - Water Treatment & Controls Company d/b/a Peoples Water Service Company of Bastrop (Bastrop, Louisiana), ex parte. In re: Application for an increase in rates for water and water service in the City of Bastrop and its environs.

In re: Discussion and Possible Vote on Uncontested Stipulated Agreement.

January's Ex. 14

On motion of commissioner Field, seconded by Commissioner Holloway, with Commissioners Boissiere and Skrmetta concurring and Commissioner Campbell objecting, the Commission voted to accept the Staff Recommendation and approve the Stipulated Agreement filed into the

record on August 20, 2009 with the following modifications: 1) the rate design of the approved annual revenue requirement increase shall be such that the minimum rate, which includes 3,600 gallons, shall increase from \$17.25 to \$18.75 with the balance of the increase allocated to the remaining customers; and, 2) the increase shall be implemented in two phases: Phase 1 (consisting of 60% of the \$637,126 annual revenue requirement increase) to be implemented in June 2010, Phase 2 (consisting of the remaining 40%) to be implemented in December 2010.

Ex. 22 **S-31222** - Affordable Phone Services, Inc., ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.

In re: Discussion and possible vote on Staff's Report and Recommendation.

On motion of Commissioner Field, seconded by Commissioner Boissiere, with Commissioners Skrmetta and Holloway concurring and Commissioner Campbell temporarily absent, the Commission voted to accept the Staff Recommendation and grant Affordable Phone Services, Inc. request for designation as an ETC.

Ex. 23 **S-31224** - Total Environmental Solutions, Inc. ex parte. In re: Request for Letter of Approval for Non-Opposition concerning the transfer of Timberly Terrace Subdivision, Calcasieu Parish from Total Environmental Solutions, Inc. to The City of Lake Charles.

In re: Discussion and possible vote on request for letter of non-opposition.

On motion of Commissioner Holloway, seconded by Commissioner Field, with Commissioner Boissiere concurring and Commissioners Campbell and Skrmetta temporarily absent, the Commission voted to accept the Staff Recommendation and grant Total Environmental Solutions, Inc. a limited exception to Section VI-9 of Order No. U-22148-(Subdocket-A) waiving the requirement that the Company retain ownership and control of substantially all assets and water/wastewater systems acquired in the Johnson Properties bankruptcy until at least December 2010, approve the transfer of the Timberly Terrace Subdivision sewer treatment facilities from Total Environmental Solutions, Inc. to the City of Lake Charles, and authorize Staff to issue a letter of non-opposition accordingly. It was further ordered that any such exception offered be limited to the facts of this particular docket and should be based and conditioned on the fact that the Company is proposing to transfer the Timberly Terrace system to a municipal entity.

Ex. 24 **R-28271 Sub B** - Louisiana Public Service Commission, ex parte. In re: Re-study of the feasibility of a renewable portfolio standard for the State of Louisiana.

In re: Staff report on the results of the RPS task force, along with an update on the status of ongoing policy discussions.

PASSED

Ex. 25 **R-31106** - Louisiana Public Service Commission, ex parte. In Re: Rulemaking to study the possible development of financial incentives for the promotion of energy efficiency by jurisdictional electric and gas utilities.

In re: Request for permission to solicit proposals for outside consultants for under \$50,000.

On motion of Commissioner Holloway, seconded by Commissioner Boissiere, with Commissioners Field and Skrmetta concurring and Commissioner Campbell temporarily absent, the Commission voted to grant Staff's request to solicit bids for under \$50,000.

Ex. 26 Valley Electric Membership Corporation, ex parte. In re: Request for Establishment of Regulatory Asset for Deferral of Costs Associated with Storm Damage Incurred May 2 & 3, 2009.

PULLED

Ex. 27 Entergy Louisiana, LLC, ex parte. In re: Request for authorization to extend a site-specific electric service agreement with Graphic Packaging International, Inc. (formerly Riverwood International Corporation) located at West Monroe, Louisiana.

At the request of Commissioner Campbell.

On motion of Commissioner Campbell, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept Staff Recommendation and approve the continuation of the site-specific agreement between ELL and Graphic Packaging. It was further ordered that: 1) Entergy Louisiana shall track on an annual basis expenses, revenues, and electric consumption and make said information available to the Economics and Rates Analysis Division of the LPSC; 2) The Commission reserves the right to review any impact this Site-Specific Agreement has on Entergy or Entergy ratepayers; 3) The Commission's approval of this Agreement is contingent upon later review of impacts resulting from this proposed project in light of possible deregulation of electricity generation and any requirements of the transition to competition which may result; and 4) By way of this extension, the existing special rate contract shall remain in continuous application for an additional three years.

Ex. 28 Discussion and possible vote regarding participation of in-house staff attorneys in cases involving outside counsel and consultants.

At the request of Commissioner Skrmetta.

January's Ex. 16

PASSED

Ex. 29 Report from Staff regarding AT&T retail service quality.

At the request of Commissioner Field.

January's Ex. 18

Deputy General Counsel Brandon Frey gave a report on Staff's findings regarding AT&T retail service quality.

Commissioner Field offered a motion to exercise the Commission's specifically reserved right to reinstate fines provided for in Docket No. U-24802-A and encourage the Commission Staff to expedite the Service Quality Sub-Docket. Commissioner Campbell seconded this motion. However, Commissioners Skrmetta, Boissiere and Holloway objected. Therefore, this motion failed three to two.

Ex. 30 Report by Staff on the results of the NRRI Assessment

At the request of Commissioner Campbell.

PASSED

Ex. 31 Possible Executive Session pursuant to LA R.S. 42:6 to discuss the budget.

On motion of Commissioner Holloway, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to go into Executive Session.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to come out of Executive Session.

Ex. 32 FERC Dockets ER07-956-000 and EL08-51-000

In Re: Possible Executive Session pursuant to La. R.S. 42:6.1 to Discuss Litigation Strategy.

At the request of Commissioner Field.

On motion of Commissioner Holloway, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to go into Executive Session.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to come out of Executive Session.

On motion of Commissioner Boissiere, seconded by Commissioner Field, and unanimously adopted, the Commission voted to authorized special counsel to file a Complaint or Complaints at the Federal Energy Regulatory Commission to obtain a just and reasonable treatment of depreciation expenses and to provide for other just and reasonable adjustments, including the recognition of the costs of the abandoned Little Gypsy plant and the Acadia Power Block 2 acquisition that would not otherwise be included in production costs.

- Ex. 33 1) Reports
 2) Resolutions
 3) Discussions

- Ex. 34 **T-31215** - Shell Pipeline Company, LP (Houston, Texas), ex parte. In Re: Application to file Supplement No. 4 to Tariff LPSC No. 62 which will increase the existing rates on Shell Pipeline's Gasoline Blending Butanes pipeline system.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

At the Request of Commissioner Field.

On motion of Commissioner Holloway, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the agreement between Staff and the Company, whereby the Company receives approval to file the amended tariff, Supplement No. 4 to Tariff LPSC No. 62, with a rate increase from \$.1058 (or 10.58 cents) per barrel to the requested \$.32 (32 cents) per barrel. It was further ordered that a copy of the Proposed Tariff (32 cents per barrel) is to be filed with the Transportation Division of the LPSC within 15 days of the issuance of the Order herein.

- Ex. 35 **U-30689** - Cleco Power, LLC, ex parte. In re: Application of Cleco Power, LLC for: 1) implementation of changes in rates and Formula Rate Plan to be effective upon the commercial operation date of Rodemacher Power Station Unit No. 3 (RPS-3); 2) favorable public interest determination for transmission upgrades in the Acadiana Load Pocket; and 3) renewal of transaction guidelines applicable to certain economy power purchases from Acadia Power Partners, LLC.

At the request of Commissioner Holloway.

Commissioner Holloway offered a motion to accept Staff Recommendation and reduce the flowback period from five to four years with \$77.5 million to be returned to Cleco's customers in 2010.

Commissioner Skrmetta offered a substitute motion, seconded by Commissioner Holloway, and unanimously adopted, to adopt the Staff Recommendation and also to hire the firm of Patrick Miller, LLC to assist Staff in the next Cleco fuel audit for under \$50,000.

Commissioner Holloway directed Staff to update or move up fuel audits for all other companies.

MEETING ADJOURNED

The next Business and Executive Session will be held April 21, 2010 at 9:00 a.m. in Baton Rouge, Louisiana.